Docket No. 10-12-05

Exhibit D

GENERAL STATUTES OF CONNECTICUT

Revised to January 1, 2001

VOLUME 5

TITLES

14—Motor Vehicles. Use of the Highway By Vehicles. Gasoline

15—Navigation and Aeronautics

16—Public Service Companies

16a—Planning and Energy Policy

(3) "Utility facility" means an item of plant used or useful in the electric utility business, and shall include, but is not limited to, such items of plant as generating stations, transmission lines, office buildings and equipment and transportation equipment, and

(4) Except as otherwise provided in sections 16-246a to 16-246d, inclusive, terms which are defined in section 16-1 shall have the respective meanings specified therein.

(February, 1965, P.A. 124, S. 1; P.A. 73-442, S. 8, 9.)

History: P.A. 73-442 redefined "foreign electric company" to include town, city, borough or municipal corporation, department or agency authorized to generate or transmit electricity and added exception in Subsec. (4).

Texas-based utility fits definition of "foreign electric company". 243 C. 635.
Subdiv. (3):
"Utility facility"; cited. 161 C. 430.

Sec. 16-246b. Area within which domestic company may generate and transmit electric energy. Notwithstanding any limitation imposed by its charter, each domestic electric company is authorized and empowered to generate and transmit electric energy, and to acquire utility facilities necessary or convenient for the purposes of its electric utility business or undivided interests therein and to operate the same, anywhere within or without this state; provided nothing herein shall be construed to authorize such a company to sell electric energy in this state to any person, or within any area, except as otherwise authorized by its charter or the general statutes of this state.

(February, 1965, P.A. 124, S. 2.)

Cited. 161 C. 430.

Sec. 16-246c. Area within which foreign electric company may generate and transmit electric energy. (a) Notwithstanding any limitations otherwise imposed by the general statutes on the transacting of an electric utility business in this state, any foreign electric company is authorized and empowered to generate and transmit electric energy, and to acquire utility facilities necessary or convenient for the purposes of its electric utility business or undivided interests therein and to operate the same, anywhere within this state; provided, unless otherwise authorized by the general statutes or any special act of this state, no such company shall have the power (1) to sell electric energy in this state to persons other than electric companies, (2) to erect, lay or maintain utility facilities in, over or under the public highways, streets and grounds in this state or (3) to take property in this state by condemnation or the exercise of a right of eminent domain.

(b) Before any foreign electric company commences the ownership or operation of any utility facility in this state pursuant to subsection (a) of this section, it shall notify the Department of Public Utility Control of the action proposed to be taken by it and, to the extent applicable, shall comply with the provisions of section 16-43 and shall furnish to the department from time to time such information with respect to its activities in this state as the department may reasonably request.

(c) Any foreign electric company which owns or operates any utility facility in this state pursuant to subsection (a) of this section shall constitute an "electric company" and a "public service company" for all purposes of this title, provided the department may waive the requirements of section 16-43 with respect to any borrowings or the issuance of any notes, bonds or other evidences of indebtedness or securities of any nature, upon its determination that authority over such borrowing or issue has been exercised by the state of domicile of such foreign electric company.

(February, 1965, P.A. 124, S. 3–5; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 80-97; 80-482, S. 108, 348.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-97 deleted requirement that foreign electric company file copy of its annual report with division of public utility control; P.A. 80-482 made division an independent department and deleted reference to abolished department of business regulation.

Sec. 16-246d. Joint ownership of facility. Waiver of right to partition. If any domestic or foreign electric company acquires or owns a joint or common interest with one or more electric companies or other persons in any property in this state which is used or acquired for use as a utility facility, the surrender or waiver by any owner of such property of its right to have a partition by division or partition by sale of the property for a period which does not exceed the period for which the property is used or useful for electric utility purposes shall not be invalid or unenforceable by reason of the length of such period.

(February, 1965, P.A. 124, S. 6.)